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SECOND REGULAR SESSION
SIXTIETH LEGISLATURE

FOURTH LEGISLATIVE DAY
THURSDAY, JANUARY 14, 2010

House of Representatives

The House convened at 11:30 a.m., the Speaker in the Chair.

Roll call showed 66 members present.

Absent and excused – Barrett, Black, Eskridge, Trail.

Total – 4.

Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Mary Anne Davis, Page.

Approval of Journal

January 14, 2010

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Third Legislative Day and recommend that same be adopted as corrected.

CLARK, Chairman

Mr. Clark moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

There being no objection, the House advanced to the Eighth Order of Business.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 379 BY STATE AFFAIRS COMMITTEE AN ACT

RELATING TO THE ELECTION CAMPAIGN FUND; REPEALING CHAPTER 25, TITLE 34, IDAHO CODE, RELATING TO THE ELECTION CAMPAIGN FUND; REPEALING SECTION 63-3088, IDAHO CODE, RELATING TO A CERTAIN DESIGNATION BY INDIVIDUALS ON CERTAIN TAX FORMS; PROVIDING FOR DISTRIBUTION OF CERTAIN MONEYS; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

HOUSE BILL NO. 380 BY REVENUE AND TAXATION COMMITTEE AN ACT

RELATING TO INCOME TAXES; AMENDING SECTION 63-3037, IDAHO CODE, TO SPECIFY FILING DATES FOR CERTAIN INFORMATION RETURNS, TO MAKE A TECHNICAL CORRECTION AND TO AUTHORIZE THE STATE TAX COMMISSION TO PROVIDE A DIFFERENT

DATE NO EARLIER THAN THE DATE REQUIRED BY THE INTERNAL REVENUE CODE FOR FILING EQUIVALENT FEDERAL RETURNS IN A NONELECTRONIC FORMAT.

HOUSE BILL NO. 381 BY REVENUE AND TAXATION COMMITTEE AN ACT

RELATING TO INCOME TAXES; AMENDING SECTION 63-3021, IDAHO CODE, TO CLARIFY THE DEFINITION OF "NET OPERATING LOSS," TO PROVIDE THAT NET OPERATING LOSSES OF A CORPORATION WILL SURVIVE A MERGER SUBJECT TO CERTAIN CONDITIONS AND TO MAKE A TECHNICAL CORRECTION; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

HOUSE BILL NO. 382 BY REVENUE AND TAXATION COMMITTEE AN ACT

RELATING TO INCOME TAX; AMENDING CHAPTER 30, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3006C, IDAHO CODE, TO PROVIDE DEFINITIONS OF THE TERMS "PASS-THROUGH ENTITY" AND "OWNER OF INTEREST IN A PASS-THROUGH ENTITY"; AMENDING SECTION 63-3022L, IDAHO CODE, TO REVISE THE MANNER IN WHICH THE INCOME OF PASS-THROUGH ENTITIES INCOME IS REPORTED AND PAID; AMENDING CHAPTER 30, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3036B, IDAHO CODE, TO PROVIDE A SYSTEM OF BACKUP WITHHOLDING FOR INDIVIDUALS WHO ARE OWNERS OF PASS-THROUGH ENTITIES OR BENEFICIARIES OF A TRUST OR ESTATE WHO DO NOT ELECT TO HAVE THEIR INCOME TAXES PAID ON THE ENTITY'S RETURN; AND PROVIDING AN EFFECTIVE DATE.

HOUSE BILL NO. 383 BY REVENUE AND TAXATION COMMITTEE AN ACT

RELATING TO INCOME TAXES; AMENDING SECTION 63-3072, IDAHO CODE, TO DELETE REFERENCES TO ESTIMATED PAYMENTS AND TO PROVIDE A STATUTE OF LIMITATIONS WHEN THE STATE TAX COMMISSION HAS MADE AN ASSESSMENT; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

[H 379](#), [H 380](#), [H 381](#), [H 382](#), and [H 383](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Eleventh Order of Business.

Third Reading of Bills and Joint Resolutions

[HR 3](#) was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Moyle to open debate.

The question being, "Shall [HR 3](#) be adopted?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bayer, Bedke, Bell, Bilbao, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Cronin, Gibbs, Hagedorn, Hart, Hartgen,

Harwood, Henderson, Higgins, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott(Anderson), Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Takasugi, Thayn, Thompson, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 61.

NAYS – None.

Absent and excused – Barrett, Black, Crane, Durst, Eskridge, Jaquet, Shepherd(02), Stevenson, Trail. Total – 9.

Total – 70.

Whereupon the Speaker declared [HR 3](#) adopted and ordered the resolution filed in the office of the Chief Clerk.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 8:30 a.m., Friday, January 15, 2010. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:44 a.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk